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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/787,919	06/01/2001	Karlheinz Mayer	MAYE3003/JEK	1205

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EXAMINER

NGUYEN, ANTHONY H

ART UNIT	PAPER NUMBER
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2854

12

DATE MAILED: 08/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/787,919

Applicant(s)

MAYER ET AL.

Examiner

Anthony H Nguyen

Art Unit

2854

-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 04 June 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 4-19, 21 and 22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **Claim Rejections - 35 U.S.C. § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) a patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 and 20 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over the Great Britain Patent GB 1,390,302 (the GB'302).

With respect to claims 1 and 2, the GB'302 teaches a data medium 11 having an image 12 which includes a first ink area 14a (the GB'302, Fig.3) and a second ink area 14 b. The ink layer thicknesses of the ink areas are different and separated by a sharp border line between the ink layers' areas 53 and 55 as shown in Fig. 15 of the GB'302. The GB'302 fails to teach clearly the ink layers thickness of both ink areas passing through the minimum area in the region of the border line. However, it would have been obvious to one of ordinary skill in the art to select a desired ink having viscosity in the GB'302 so that the thicknesses of inks can pass through the area in the region between the ink layer areas 53 and 55 of the GB'302.

With respect to claim 3, the minimum thickness of an ink layer which is almost zero as recited involve no apparent unobviousness since the thickness of the ink layer would involve simply the obvious selection of a desired ink for printing.

With respect to claim 20, the GB'302 teaches the ink areas which are linear (Figs. 12-15, note the ink area lines 53 and 55).

*Response to Arguments*

Applicants' arguments filed on June 04, 2003 have been fully considered but they are not persuasive of any error in the above rejection.

Applicant argues that the GB'302 do not teach a sharp border line between adjacent ink areas as recited in claim 1 because there is a gap between each of the directly adjacent lines 53 and 55.

However, there is no gap between the ink intaglio line or the first ink area 53 and the ink image line or the second ink area 55 as seen in Fig.15 of the GB'302. Clearly, the sharp border line between adjacent ink areas is not visible to the naked eye as shown in the Figure.

Applicant argues that there is a gap between the ink areas or the background and the image lines 53,55 shown in Figs. 16-19.

However, while the gap is clearly seen between the adjacent background and image lines or ink areas as shown in Figs.16-19, these Figures show an embodiment which is different from the embodiment shown in Figs. 12-15. For example, the GB'302, page 10 lines 86-96 and page 11 lines 20-26 state that "the image and the background may formed of pattern of other than continuous parallel lines".

Applicant argues that the GB'302 does not teach or suggest the platen that yields a printed image having printing areas having sharp border lines between adjacent ink areas, and the adjacent ink areas that do not have mixing or mutual migration because of the sharp border line.

However, there is no platen cited in the claims, and as explained above, the mixing or mutual migration of the adjacent ink areas are depended on the viscosity or the characteristics of the selected inks used for printing. Therefore, the GB'302 renders obvious the structure as recited in claims 1-3 and 20.

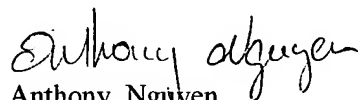
*Conclusion*

**THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Nguyen whose telephone number is (703) 308-2869. The examiner can normally be reached daily from 9 AM to 5PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld, can be reached on (703) 305-6619. The fax phone number for this Group is (703) 308-7722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

  
Anthony Nguyen  
8/6/03  
Patent Examiner  
Technology Center 2800